

Appn. Ser. No.: 10/720,825

Afty Docket No.: 03-1025

Customer No.: 32127

REMARKS

Applicant submits this Response in response to the Office Action mailed September 9, 2005. Applicant has canceled claim 8 (without prejudice to re-presenting the subject matter of this claim at a later time), and added new claim 15. Claims 1-7 and 8-15 are currently pending. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0104827 to Moran et al. ("Moran"). As Applicant has cancelled claim 8, the rejections as to this claim is moot. Applicant respectfully traverses the rejection of the remaining claims based on the following.¹

Moran describes a "method and system that enables wireless device users to send messages from their devices to other destination wireless devices that use a different service provider." (Moran, ¶ [0009].) In one described embodiment, a user enters an SMS message and a "unique identifier" of a selected destination device. (Id., ¶ [0031].) The SMS message is converted to an email and sent to a rerouting/reformatting service using the unique identifier. (Id., ¶¶ [0032], [0034].) The rerouting/reformatting service determines the senders device identifier and the destination device identifier from the message, and retrieves the sender's user ID and capability information corresponding to the destination device from a database based on these identifiers. (Id., ¶¶ [0035], [0037].) The message is then reformatted according to the requirements of the service provider for the destination device, the capabilities of the destination device, and any rules the user or the destination service provider has established. (Id., ¶ [0038].) The reformatted messages are then sent to the destination device. (Id., ¶ [0039].)

Moran does not, however, describe any systems or methods that include elements related to a "preferred device" of a user. For example, Moran does not describe receive any selections of a

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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preferred device from a user, any determinations as to what device is a user's preferred device, or any routing of an SMS message to the preferred device of a receiving user.

In contrast to Moran, claim 1 recites a method for providing SMS messages to a user having a plurality of devices including a preferred device that includes:

- receiving a SMS message for one of the plurality of devices;
- determining the preferred device for receiving messages;
- formatting the SMS message according to characteristics of the preferred device; and
- sending the formatted message to the preferred device.

Moran does not teach or suggest the method of claim 1. For example, Moran does not teach or suggest "determining the preferred device for receiving messages" as recited in claim 1. At best, Moran describes reformatting SMS messages directed to a destination device, based on the characteristics of the device. Moran does not however further describe receiving SMS message to a device, determining the preferred device for receiving messages, and then sending the formatted message to the preferred device, as required by claim 1. The absence of these elements from the description of Moran precludes anticipation of claim 1 by Moran, and Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 1.

As claims 2-7 each depend from claim 1, and therefore include all of the limitations of claim 1, Applicant believes claims 2-7 to be patentable over Moran for at least the same reasons as set forth for claim 1,² and therefore respectfully requests that the Examiner withdraw the rejections of claims 2-7 as well.

In further contrast to Moran, claim 9 recites an apparatus for providing SMS messages to a user having a plurality of devices including a preferred device, that includes:

- a database for storing a specification of a preferred device;

² As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

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a gateway server for receiving a SMS message sent to one of the user's devices;

a server function for determining the preferred device; and

a SMS server for sending the SMS message to the preferred device.

Moran does not teach or suggest the apparatus of claim 9. For example, Moran does not teach or suggest "a server function for determining the preferred device" as recited in claim 9. As noted above with respect to claim 1, at best, Moran describes reformatting SMS messages directed to a destination device, based on the characteristics of the device. Moran does not however further describe receiving SMS message to a device, determining the preferred device for receiving messages, and then sending the formatted message to the preferred device. As such, Moran does not describe any elements that determine the preferred device, or send the SMS message to the preferred device, as required by claim 9. The absence of these elements from the description of Moran precludes anticipation of claim 9 by Moran, and Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 9.

As claims 10 and 11 each depend from claim 9, and therefore include all of the limitations of claim 9, Applicant believes claims 10 and 11 to be patentable over Moran for at least the same reasons as set forth for claim 9, and therefore respectfully requests that the Examiner withdraw the rejections of claims 10 and 11 as well.

In further contrast to Moran, claim 12 recites and apparatus for providing SMS messages to a user having a plurality of devices including a preferred device that includes:

- means for storing a specification of a preferred device;
- means for receiving a SMS message sent to one of the user's devices;
- means for determining the preferred device; and
- means for sending the SMS message to the preferred device.

Moran does not teach or suggest the apparatus of claim 12. For example, Moran does not teach or suggest "means for determining the preferred device" as recited in claim 12. As noted above with respect to claim 1, at best, Moran describes reformatting SMS messages directed to a destination device, based on the characteristics of the device. Moran does not however further describe receiving SMS message to a device, determining the preferred device for receiving

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messages, and then sending the formatted message to the preferred device. As such, Moran does not describe any elements that determine the preferred device, or send the SMS message to the preferred device, as required by claim 12. The absence of these elements from the description of Moran precludes anticipation of claim 12 by Moran, and Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 12.

As claims 13 and 14 each depend from claim 12, and therefore include all of the limitations of claim 12, Applicant believes claims 13 and 14 to be patentable over Moran for at least the same reasons as set forth for claim 12, and therefore respectfully requests that the Examiner withdraw the rejections of claims 13 and 14 as well.

Applicant has added new claim 15. Applicant believes these claims to be fully supported by the specification and claims as filed, and patentable over Moran as cited by the Examiner, for at least the same reasons as set forth above for claims 1-7 and 9-14.

CONCLUSION


In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues.

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To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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